

# Lack of public defenders may free accused felons

By Laura Parker, USA TODAY

New Orleans' beleaguered criminal court system could have to release an estimated 4,000 low-income defendants — most of them accused of felonies — because the state and local governments lack funds to hire public defenders.



Soggy evidence lies in the Orleans Parish criminal courthouse basement. Katrina's waters put the city's justice system on the brink of collapse.

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Two of the 12 judges in the Orleans Parish Criminal District Court have raised the prospect of mass releases of defendants by suspending prosecutions in their courts. Chief Judge Calvin Johnson and Judge Arthur Hunter said they concluded that the parish public defenders' office — which had its staff and funding slashed by Hurricane Katrina — no longer has enough lawyers or staff to effectively represent the rising number of poor defendants awaiting trial.

Johnson, who ruled Monday, said he expects the court's other 10 judges to make the same finding in hearings this week. Hunter, who on Friday became the first judge to suspend prosecutions, subpoenaed Louisiana state Senate President Donald Hines, House Speaker Joe Salter and New Orleans Mayor Ray Nagin to testify at a Feb. 23 hearing about laws that require the state to make sure defenders' offices are funded adequately.

Funding local public defenders' offices has been a problem across the nation. Louisiana is the only state that relies almost exclusively on local traffic-ticket revenue and parking fines — rather than a significant contribution from the state — to finance its low-income residents' constitutionally protected right to a lawyer. Even before Katrina all but eliminated that revenue, the state's public-defender systems were targeted in class-action lawsuits that have alleged that defendants have been held in jail for years without going to trial.

"We were in a mess before, and now we're in a boiling mess," says state Sen. Lydia Jackson, D-Shreveport, chairwoman of a legislative task force on indigent defense. She says she doesn't know what state and local officials can tell the courts that would help the situation. "The state doesn't have any money."

In New Orleans, nearly 80% of all criminal defendants typically are represented by public defenders, says the New Orleans' Indigent Defender Board, which oversees the defenders' office. Before Katrina hit in August, the office had 42 lawyers. It now has six. Its annual budget has dropped from \$2.5 million to \$500,000.

"We have one staff person. We have one investigator. We have no capital case defense lawyers, no office, no telephones, no computers," board member Laurie White says. She says some defendants have been in jail awaiting hearings longer than they would have served if they had been able to plead guilty.

If the state can't find more money for indigent defense, the defenders' office plans to seek the release of its estimated 4,000 defendants, White says. "This is unprecedented. The majority of the accused crimes are going to be serious offenses. In New Orleans, they don't prosecute forgery and stolen cars very often."

